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15 **UNITED STATES DISTRICT COURT**  
16 **NORTHERN DISTRICT OF CALIFORNIA**  
17 **SAN FRANCISCO DIVISION**

18 IN RE: CATHODE RAY TUBE (CRT)  
19 ANTITRUST LITIGATION

20 This Document Relates to:

21 **ALL DIRECT PURCHASER ACTIONS**

22 Master File No. CV- 07-5944-SC

23 MDL No. 1917

24 **DIRECT PURCHASER PLAINTIFFS'**  
25 **ADMINISTRATIVE MOTION TO SEAL**  
26 **DOCUMENTS PURSUANT TO CIVIL**  
27 **LOCAL RULES 7-11 AND 79-5(d)**

1 Pursuant to Civil Local Rules 7-11 and 79-5(d), and in accordance with this Court's  
 2 General Order No. 62, effective May 10, 2010, Direct Purchaser Plaintiffs ("DPPs") hereby move  
 3 the Court for leave to file the following documents, or portions thereof, under seal:

- 4     • Portions of the Memorandum in Support of Direct Purchaser Plaintiffs' Motion for  
 5       Class Certification that contain quotations or information from documents that  
 6       Defendants have designated "Confidential" or "Highly Confidential";
- 7     • Portions of the Declaration of R. Alexander Saveri in Support of Direct Purchaser  
 8       Plaintiffs' Motion for Class Certification that contain quotations or information from  
 9       documents that Defendants have designated "Confidential" or "Highly Confidential";
- 10    • Exhibits 1, 17–62, 64–80, 83, 85–104, and 106–136 to the Declaration of R. Alexander  
 11       Saveri in Support of Direct Purchaser Plaintiffs' Motion for Class Certification that  
 12       contain quotations or information from documents that Defendants have designated  
 13       "Confidential" or "Highly Confidential"; and
- 14    • Portions of the Expert Report of Jeffrey J. Leitzinger, Ph.D.

15       Civil Local Rule 79-5 governs the filing under seal of entire documents or portions of  
 16       documents that contain material that is "privileged or protectable as a trade secret or otherwise  
 17       entitled to protection under the law." Civ. L.R. 79-5 (a)-(c). This Court's General Order No. 62,  
 18       Electronic Filing of Documents Under Seal, effective May 10, 2010, sets forth procedures  
 19       applicable to the filing of sealed documents in civil cases. Civil Local Rule 79-5(d) provides: "If a  
 20       party wishes to file a document that has been designated confidential by another party pursuant to a  
 21       protective order, or if a party wishes to refer in a memorandum or other filing to information so  
 22       designated by another party, the submitting party must file and serve an Administrative Motion for  
 23       a sealing order . . . ."

24       In compliance with Local Rule 79-5(d), DPPs submit this Administrative Motion because  
 25       they wish to file documents that contain either: (a) material designated by a Defendant pursuant to  
 26       a Protective Order as "Confidential" or "Highly Confidential"; or (b) analysis of, references to, or  
 27       information taken directly from material designated by a Defendant pursuant to a Protective Order  
 28       as "Confidential" or "Highly Confidential." *See id.*

29       DPPs seek to file the above material under seal in good faith in order to comply with the  
 30       Protective Order in this action and the applicable Local Rules. Because certain defendants and  
 31       various third parties contend that the material they have designated is confidential in nature, it is

1 their burden to establish that the designated information is sealable. Civil L.R. 79-5(d); *see*  
 2 *Kamakana v. City of Honolulu*, 447 F.3d 1172, 1178-1180 (9th Cir. 2006). DPPs leave it to this  
 3 Court's discretion to determine whether the above material should be filed under seal. Courts have  
 4 repeatedly emphasized that a party must make a "particularized showing of good cause" and show  
 5 a "compelling reason" to justify the sealing of motions and papers filed with a court. *See Foltz v.*  
 6 *State Farm Mutual Auto. Ins. Co.*, 331 F.3d 1122, 1138 (9th Cir. 2002) (reversing the lower court's  
 7 sealing of records because there was no "compelling reason to justify sealing" under the protective  
 8 order). As the Ninth Circuit has stated, the "hazard of stipulated protective orders" is that they  
 9 "often contain provisions that purport to put the entire litigation under lock and key without regard  
 10 to the actual requirements of Rule 26(c)." *Kamakana*, 447 F.3d at 1193. Plaintiffs file this  
 11 administrative motion in order to comply with the Protective Order entered in this action.

12 WHEREFORE, Direct Purchaser Plaintiffs respectfully submit this administrative motion  
 13 pursuant to the Protective Order and Civil Local Rule 79-5 and hereby notify the parties of their  
 14 burden to establish that the designated material is sealable.

15 DATED: May 14, 2013

16 Respectfully Submitted,

17 /s/ Geoffrey C. Rushing

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